

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LINDA KING,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17 CV 2551 CDP
)	
SOUTHWEST FOOD SERVICE)	
EXCELLENCE, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On April 24, 2019, a jury found in favor of plaintiff Linda King and against defendant Southwest Foodservice Excellence, LLC, on King's claim of wrongful discharge. Judgment was entered that same date for King in the amount of \$231,500 plus costs. Southwest Foodservice now moves to stay execution of judgment under Fed. R. Civ. P. 62(b) and asks that I approve a supersedeas bond in the amount of \$260,000. Southwest Foodservice submitted a Supersedeas/Appeal Bond to stay execution of judgment through appeal, as well as a power-of-attorney executed by the corporate surety. The Clerk of Court has informed me that the corporate surety has now met the requirements of Local Rule 13.03(C). I will grant the motion.

"At any time after judgment is entered, a party may obtain a stay by providing a bond or other security." Fed. R. Civ. P. 62(b). The stay takes effect when the

Court approves the bond and remains in effect for the time specified in the bond.

Id. “The district court may only stay execution of the judgment . . . if the court provides for the security of the judgment creditor.” *Peacock v. Thomas*, 516 U.S. 349, 359 n.8 (1996). The decision to grant a stay is within the Court’s discretion. *Nunley v. Ethel Hedgeman Lyle Acad.*, No. 4:08-CV-1664 CAS, 2010 WL 501465, at *1 (E.D. Mo. Feb. 8, 2010). Whether to require a bond and in what amount is likewise within the discretion of the Court. *Barfield v. Sho-Me Power Elec. Co-op.*, No. 2:11-CV-04321-NKL, 2015 WL 4159988, at *2 (W.D. Mo. July 9, 2015).

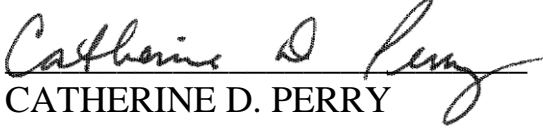
With its motion to stay, Southwest Foodservice submitted a Supersedeas/ Appeal Bond to stay execution of judgment through appeal, with a power of attorney executed by the corporate surety. Southwest Foodservice avers that King agrees to the amount of the bond. Because Southwest Foodservice has provided adequate security for the judgment, I will approve the bond for the amount proffered and will stay execution of judgment for the time specified in the bond.

Accordingly,

IT IS HEREBY ORDERED that defendant Southwest Foodservice Excellence, LLC’s Motion for Approval of Supersedeas Bond and for Stay of Execution of Judgment [77] is **GRANTED**.

IT IS FURTHER ORDERED that execution of the judgment entered April

24, 2019, is **STAYED** under Fed. R. Civ. P. 62(b), to be released automatically upon conclusion of the matter for which the bond is posted.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of May, 2019.